

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDERICK GLEN JOHNSON,

Defendant.

CR 15-06-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 23, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Frederick Glen Johnson’s guilty plea after Willis appeared before him pursuant to Federal Rule of Criminal

Procedure 11, and entered a plea of guilty to: (1) one count of conspiring to possess, with the intent to distribute, and to distribute methamphetamine and heroin in violation of 21 U.S.C. § 841(a)(1) and 846, as set forth in Count I of the Indictment, and (2) interstate travel in aid of racketeering in violation of 18 U.S.C. § 1952(a)(3), as set forth in Count XV of the Indictment. Defendant further admits to the forfeiture allegations in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II, VI, VIII, X, XI, XII, XIII, and XIV of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 81), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Frederick Glen Johnson's motion to change plea (Doc. 72) is GRANTED and Frederick Glen Johnson is adjudged guilty as charged in Counts I and XV of the Indictment.

DATED this 9th day of July, 2015.



Dana L. Christensen, Chief District Judge
United States District Court